

# GENERAL SERVICES ADMINISTRATION

## OFFICE OF ACQUISITION POLICY

### COMMERCIAL ITEMS CLAUSE USAGE

*NOTE: THIS DOCUMENT IS A WORK IN PROCESS. IT IS AN INITIAL ATTEMPT TO IDENTIFY CONTRACT CLAUSES WHICH MAY OR MAY NOT BE USED IN COMMERCIAL ITEM ACQUISITIONS. CHANGES TO THIS LISTING SHOULD BE EXPECTED.\**

The attached listing of FAR clauses indicates which clauses may not (“no”) or may (“YES”) be used in acquisitions for commercial items. The listing applies to clauses in effect through FAC 90-36. Note that this listing does NOT require inclusion of clauses, but merely provides that certain clauses MAY be used if they are appropriate. For use of a clause coded “CO” the contracting officer either must determine that the use of the clause is a commercial practice for the items being acquired, or obtain a waiver for use of the clause.

#### Legend:

IBR	Incorporated by reference
C	Consistent with commercial practices
S	Required by Statute
A	Agency policy to use clause
CO	May be used at contracting officer’s discretion when appropriate

#### Assumptions:

Neither construction contracts nor A&E service contracts will fall within the definition of a “commercial item;” both will continue to be acquired under Part 36. It is noted that a FAR case has been recommended to consider expansion of the commercial item procurement procedures in some manner to those contracting areas.

Utility services are generally not available competitively and will not fall within the definition of “commercial item.”

\* Recommended revisions to this listing should be sent, via e-mail, to Victoria Moss (VP) or Les Davison (VP).

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.202-1	Definitions	no	n/a	covered by 52.214-4(e)
52.203-2	Certificate of Independent Price Determination	no	n/a	
52.203-3	Gratuities	YES	S	
52.203-4	Contingent Fee Representation and Agreement	no	n/a	See 12.503(a)(2)
53.203-5	Covenant Against Contingent Fees	no	n/a	See 12.503(a)(2)
52.203-6	Restrictions on Subcontractor Sales to the Government	*	IBR	With Alternate I, Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE. See 12.503(c)(1)
52.203-7	Anti-Kickback Procedures	no	n/a	See 12.503(b)(3) & 52.212-4(r)
52.204-5	Women-Owned Business	no	n/a	covered by 52.212-3
52.203-8	Requirement for Certificate of Procurement Integrity	no	n/a	12.503(b)(4)
52.203-9	Requirement for Certificate of Procurement Integrity--Modification	no	n/a	12.503(b)(4)
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.203-11	Certification and Disclosure Regarding payments to Influence Certain Federal Transactions	no	n/a	Covered by new 52.212-3(e)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions	no	n/a	Covered by new 52.212-4(r)
52.203-13	Procurement Integrity--Service Contracting	YES	S	3.104-10(d)
52.204-1	Approval of Contract	no		
52.204-2	Security Requirements	YES	A	EO
52.204-3	Taxpayer Identification	no	n/a	Covered by new 52.212-3(b)
52.204-4	Printing/Copying Double-Sided on Recycled Paper	no	n/a	
52.207-1	Notice of Cost Comparison (Sealed Bidding)	YES	A	specifically for A-76 acquisitions
52.207-2	Notice of Cost Comparison (Negotiated)	YES	A	specifically for A-76 acquisitions
52.207-3	Right of First Refusal of Employment	YES	A	specifically for A-76 acquisitions
52.207-4	Economic Purchase Quantity--Supplies	YES	C	
52.207-5	Option to Purchase Equipment	YES	C	
52.208-1	Required Sources for Jewel Bearings and Related Items	YES	S	
52.208-2	Jewel Bearings and Related Items Certificate	YES	S	
52.208-4	Vehicle Lease Payments	YES	CO	
52.208-5	Condition of Leased Vehicles	YES	CO	
52.208-6	Marking of Leased Vehicles	YES	CO	
52.208-7	Tagging of Leased Vehicles	YES	CO	
52.208-8	Helium Requirement Forecast and Required Sources for Helium	no	n/a	
52.209-1	Qualification Requirements	YES	A	
52.209-3	First Article Approval--Contractor Testing	YES	CO	Falls under 12.301(e)
52.209-4	First Article Approval--Government Testing	YES	CO	Falls under 12.301(e)
52.209-5	Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters	no	n/a	52.212-3(h)
52.209-6	Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment	no	n/a	
52.209-7	Organizational conflicts of Interest Certificate--Marketing Consultants	no	n/a	
52.209-8	Organizational Conflicts of Interest Certificate--Advisory and Assistance Services	no	n/a	
52.211-1	Availability of Specifications Listed in the GSA Index of Federal Specification, Standards and	no	n/a	Covered by 52.212-1(i).

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
	Commercial Item Descriptions			
52.211-2	Availability of Specifications Listed in the DOD Index of Specifications and Standards (DODISS)	no	n/a	Covered by 52.212-1(i).
52.211-3	Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions	no	n/a	Covered by 52.212-1(i).
52.211-4	Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions	no	n/a	Covered by 52.212-1(i).
52.211-5	New Material.	YES	C	See 11.302(a).
52.211-6	Listing of Used or Reconditioned Material, Residual Inventory, and Former Government Surplus Property	YES	C	See 11.302(b).
52.211-7	Used or Reconditioned Material, Residual Inventory, and Former Government Surplus Property.	YES	C	See 11.302(c).
52.211-8	Time of Delivery	YES	C	Requires tailoring
52.211-9	Desired and Required Time of Delivery	YES	C	Requires tailoring
52.211-10	Commencement, Prosecution, and Completion of Work	no	n/a	
52.211-11	Liquidated Damages--Supplies, Services, or Research and Development	YES	CO	only if a commercial practice
52.211-12	Liquidated Damages--Construction	no	n/a	
52.211-13	Time Extensions	no	n/a	
52.211-14	Notice of Priority Rating for National Defense Use	YES	A	
52.211-15	Defense Priority and Allocation Requirements	YES	A	
52.211-16	Variation in Quantity	YES	C	
52.211-17	Delivery of Excess Quantities	YES	C	
52.211-18	Variation in Estimated Quantity	YES	C	
52.212-1	Instructions to Offerors -- Commercial Items	YES	A	
52.212-2	Evaluation -- Commercial Items	YES	A	
52.212-3	Offeror Representations and Certifications - Commercial Items	YES	S/A	
52.212-4	Contract Terms and Conditions -- Commercial Items	YES	A	
52.212-5	Contract Terms and Conditions Required to Implement Statutes or Executive Orders -- Commercial Items	YES	S	
52.213-1	Fast Payment Procedure	YES	C	
52.213-2	Invoices	no	n/a	Covered by 52.212-4(g)
52.213-3	Notice To Supplier	no	n/a	
52.214-1	Solicitation Definitions--Sealed Bidding	no	n/a	
52.214-2	Type of Business Organization--Sealed Bidding	no	n/a	
52.214-3	Amendments to Invitations for Bids	no	n/a	Covered by 52.212-1(b)(9)
52.214-4	False Statements in Bids	no	n/a	
52.214-5	Submission of Bids.	no	n/a	Covered by 52.212-1(b)
52.214-6	Explanation to Prospective Bidders	no	n/a	
52.214-7	Late Submissions, Modifications, and Withdrawals of Bids	no	n/a	52.212-1(f)
52.214-9	Failure to Submit a Bid	no	n/a	
52.214-10	Contract Award--Sealed bidding	YES	C	Use in lieu of 52.212-2 per 12.301(c)(2).
52.214-12	Preparation of Bids	no	n/a	
52.214-13	Telegraphic Bids	YES	C	
52.214-14	Place of Performance--Sealed Bidding	no	n/a	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.214-15	Period for Acceptance of bids	no	n/a	Covered by 52.212-1(c)
52.214-16	Minimum Bid Acceptance Period	YES	C	(See GSAR Deviation)
52.214-17	Affiliated Bidders	no	n/a	
52.214-19	Preparation of Bids--Construction	no	n/a	
52.214-19	Contract Award--Sealed Bidding--Construction	no	n/a	
52.214-20	Bid Samples	no	n/a	Covered by 52.212-1(d)
52.214-21	Descriptive Literature	no	n/a	Covered by 52.212-1(b)(4)
52.214-22	Evaluation of Bids for Multiple Awards	no	n/a	Covered by 52.212-1(h)
52.214-23	Late Submissions, Modifications, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding	no	n/a	Covered by 52.212-1(f)
52.214-24	Multiple Technical Proposals	no	n/a	Covered by 52.212-1(e)
52.214-25	Step Two of Two-Step Sealed Bidding	no	n/a	
52.214-26	Audit and Records--Sealed Bidding	no	n/a	
52.214-27	Price Reduction for Cost or Pricing Data--Modifications--Sealed Bidding	no	n/a	
52.214-28	Subcontractor Cost or Pricing Data--Modifications--Sealed Bidding	no	n/a	
52.214-29	Order of Precedence--Sealed Bidding	no	n/a	
52.214-30	Annual Representations and Certifications--Sealed Bidding	no	n/a	
52.214-31	Facsimile Bids	no	n/a	
52.214-32	Late Submissions, Modifications, and Withdrawals of Bids (Overseas).	no	n/a	
52.214-33	Late Submissions, Modifications and Withdrawals of Technical Proposals under Two-Step Sealed Bidding (Overseas)	no	n/a	
52.214-34	Submission of Offers in the English Language	YES	C/S	25.407(d)
52.214-35	Submission of Offers in U.S. Currency	YES	C/S	25.407(d)
52.215-2	Audit and Records--Negotiation	no	n/a	52.212-5(d)
53.215-3	Solicitation for Information or Planning Purposes	YES	CO	
52.215-4	Notice of Possible Standardization	no	n/a	
52.215-5	Solicitation Definitions	no	n/a	
52.215-6	Type of Business Organization	no	n/a	
52.215-7	Unnecessarily Elaborate Proposals or Quotations	no	n/a	
52.215-8	Amendments to Solicitations	no	n/a	Covered by 52.212-1(b)(9)
52.215-9	Submission of Offers	no	n/a	Covered by 52.212-1(b)
52.215-10	Late Submissions, Modifications, and Withdrawals of Proposals	no	n/a	Covered by 52.212-1(f)
52.215-11	Authorized Negotiators	YES	A	
52.215-12	Restriction on Disclosure and Use of Data	no	n/a	
52.215-13	Preparation of Offers	no	n/a	Covered by 52.212-1(b)
52.215-14	Explanation to Prospective Offerors	no	n/a	
52.215-15	Failure to Submit Offer	no	n/a	
52.215-16	Contract Award	YES	CO	When 52.212-1(g) is not appropriate.
52.215-17	Telegraphic Proposals	YES	CO	
52.215-18	Facsimile Proposals	no	n/a	
52.215-19	Period for Acceptance of Offer	no	n/a	Covered by 52.212-1(c)
52.215-20	Place of Performance	no	n/a	
52.215-21	Changes or Additions to Make-or-Buy Program	no	n/a	
52.215-22	Price Reduction for Defective Cost or Pricing Data	no	n/a	See 12.503(c)(2)
52.215-23	Price Reduction for Defective Cost or Pricing Data--Modifications	no	n/a	See 12.503(c)(2)
52.215-24	Subcontractor Cost or Pricing Data	no	n/a	See 12.503(c)(2)

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.215-25	Subcontractor Cost or Pricing Data--Modifications	no	n/a	See 12.503(c)(2)
52.215-26	Integrity of Unit Prices	no	n/a	
52.215-27	Termination of Defined Benefit Pension Plans	no	n/a	
52.215-30	Facilities Capital cost of Money	no	n/a	
52.215-31	Waiver of Facilities Capital Cost of Money	no	n/a	
52.215-33	Order of Precedence	no	n/a	
52.215-34	Evaluation of Offers for Multiple Awards	YES	C	May need tailoring in \$ amount
52.215-35	Annual Representations and Certifications	no	n/a	
52.215-36	Late Submissions, Modifications, and Withdrawals of Proposals (Overseas)	no	n/a	
52.215-38	Preparation of Offers--Construction	no	n/a	
52.215-39	Reversion or Adjustment of Plans for Post retirement Benefits Other than Pensions (PRB)	no	n/a	
52.215-40	Notification of Ownership Changes	no	n/a	
52.215-41	Requirements for Cost or Pricing Data or Information Other than Cost or Pricing Data	YES	A	
52.215-42	Requirements for Cost or Pricing Data or Information Other than cost or Pricing Data -- Modifications	YES	A	
52.215-43	Audit -- Commercial Items	YES	A	
52.216-1	Type of Contract	YES	C	
52.216-2	Economic Price Adjustment--Standard Supplies	YES	C	
52.216-3	Economic Price Adjustment--Semistandard Supplies	YES	C	
52.216-4	Economic Price Adjustment--Labor and Material	YES	C	
52.216-5	Price Redetermination--Prospective	no	n/a	See 16.201
52.216-6	Price Redetermination--Retroactive	no	n/a	See 16.201
52.216-7	Allowable Cost and Payment	no	n/a	See 16.201
52.216-8	Fixed Fee	no	n/a	See 16.201
52.216-9	Fixed Fee--Construction	no	n/a	See 16.201
52.216-10	Incentive Fee	no	n/a	See 16.201
52.216-11	Cost Contract--No Fee	no	n/a	See 16.201
52.216-12	Cost-Sharing Contract--No Fee	no	n/a	See 16.201
52.216-13	Allowable Cost and Payment--Facilities	no	n/a	See 16.201
52.216-14	Allowable Cost and Payment--Facilities Use	no	n/a	See 16.201
52.216-15	Predetermined Indirect Cost Rates	no	n/a	See 16.201
52.216-16	Incentive Price Revision--Firm Target	no	n/a	See 16.201
52.216-17	Incentive Price Revision--Successive Targets	no	n/a	See 16.201
52.216-18	Ordering	YES	C	
52.216-19	Delivery Order Limitations	YES	C	
52.216-20	Definite Quantity	YES	C	
52.216-21	Requirements	YES	C	
52.216-22	Indefinite Quantity	YES	C	
52.216-23	Execution and Commencement of Work	no	n/a	
52.216-24	Limitation of Government Liability	no	n/a	
52.216-25	Contract Definitization	no	n/a	
52.216-26	Payments of Allowable Costs Before Definitization	no	n/a	
52.216-27	Single or Multiple Awards	YES	C	
52.216-28	Multiple Awards for Advisory and Assistance Services	no	n/a	
52.217-1	Limitation of Price and Contractor Obligations	no	n/a	
52.217-2	Cancellation of Items	no	n/a	
52.217-3	Evaluation Exclusive of Options	YES	A	
52.217-4	Evaluation of Options Exercised at Time of Contract Award	YES	A	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
<b>52.217-5</b>	<b>Evaluation of Options</b>	<b>no</b>	<b>n/a</b>	<b>see 52.212-2(b)</b>
52.217-6	Option for Increased Quantity	YES	C	
52.217-7	Option for Increased Quantity--Separately Priced Line Item	no	n/a	use 52.217-6 and tailor if necessary
52.217-8	Option to Extend Services	YES	C	
52.217-9	Option to Extend the Term of the Contract	YES	C	
52.219-1	Small Business Program Representationa	no	n/a	Covered by 512-212-1 and -3.
52.219-2	Equal Low Bids	no	n/a	Covered by 52.212-3.
52.219-6	Notice of Total Small Business Set-Aside	YES	S	
52.219-7	Notice of Partial Small Business Set-Aside	YES	S	
52.219-8	Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.219-9	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.219-10	Incentive Subcontracting Program	no	n/a	
52.219-11	Special 8(a) Contract Conditions	YES	S	
52.219-12	Special 8(a) Subcontract Conditions	YES	S	
52.219-14	Limitations on Subcontracting	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.219-15	Notice of Participation by Organizations for the Handicapped	no	n/a	Authorization for Organizations for the Handicapped to participate in set-asides expired in FY 1995.
52.219-16	Liquidated Damages-- Subcontracting Plan	YES	S	
52.219-17	Section 8(a) Award	YES	S	
52.219-18	Notification of Competition Limited to Eligible 8(a) Concerns	YES	S	
52.219-19	Small Business Concern Representation for the Small Business Competitiveness Demonstration Program	no	n/a	Covered by new 512-212-3.
52.219-20	Notice of Emerging Small Business Set-Aside	no	n/a	Covered by new 512-212-3.
52.219-21	Small Business Size Representation for Targeted Industry Categories under the Small Business Competitiveness Demonstration Program	no	n/a	Covered by new 512-212-3.
<b>52.222-1</b>	<b>Notice to the Government of Labor Disputes</b>	<b>no</b>	<b>n/a</b>	
52.222-2	Payment for Overtime Premiums	no	n/a	
52.222-3	Convict Labor	*	IBR	Covered by new 52.212-5.
52.222-4	Contract Work Hours and Safety Standards Act--Overtime Compensation	no	n/a	12.503(b)(2) and 52.212-4(h)
52.222-6	Davis-Bacon Act	no	n/a	
52.222-7	Withholding of Funds	no	n/a	
52.222-8	Payrolls and Basic Records	no	n/a	
52.222-9	Apprentices and Trainees	no	n/a	
52.222-10	Compliance with Copeland Act Requirements	no	n/a	
52.222-11	Subcontracts (Labor Standards).	no	n/a	
52.222-12	Contract Termination--Debarment	no	n/a	
52.222-13	Compliance with Davis-Bacon and Related Act Regulations	no	n/a	
52.222-14	Disputes Concerning Labor Standards	no	n/a	
52.222-15	Certification of Eligibility	no	n/a	
52.222-16	Approval of Wage Rates	no	n/a	
52.222-17	Labor Standards for Construction Work--Facilities Contracts	no	n/a	
52.222-19	Walsh-Healey Public Contracts Act Representation	no	n/a	See 12.503(a)(1)
52.222-20	Walsh-Healey Public Contracts Act	no	n/a	See 12.503(a)(1)
52.222-21	Certification of Nonsegregated Facilities	no	n/a	52.212-3(d)(1)

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.222-22	Previous Contracts and Compliance Reports	no	n/a	52.212-3(d)(2)
52.222-23	Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity	no	n/a	
52.222-24	Preaward On-Site Equal Opportunity Compliance Review	YES	S	
52.222-25	Affirmative Action Compliance	no	n/a	52.212-3(d)(3)
52.222-26	Equal Opportunity	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-27	Affirmative Action Compliance Requirements for Construction	no	n/a	
52.222-28	Equal Opportunity Preaward Clearance of Subcontracts	no	n/a	
52.222-29	Notification of Visa Denial	no	n/a	
52.222-35	Affirmative Action for special disables and Vietnam Era Veterans	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-36	Affirmative Action for Handicapped Workers	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-37	Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-40	Service contract Act of 1965, as Amended-- Contracts of \$2500 or Less	no	n/a	
52.222-41	Service Contract Act of 1965, as Amended	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-42	Statement of Equivalent Rates for Federal Hires	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-43	Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts)	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-44	Fair Labor Standards Act and Service Contract Act--Price Adjustment	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-46	Evaluation of Compensation for Professional Employees	YES	A	OFPP Policy Ltr 78-2
52.222-47	SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA)	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE..
52.222-48	Exemption from Application of Service Contract Act Provisions	YES	A	22.1006(e) and DOL regs in 29 CFR.
52.222-49	Service Contract Act--Place of Performance Unknown	YES	A	22.1006(f) and 29 CFR.
52.223-1	Clean Air and Water Certification	no	n/a	12.503(b)(1) & (5)
52.223-2	Clean Air and Water	no	n/a	12.503(b)(1) & (5)
52.223-3	Hazardous Material Identification and Material Safety Data	YES	S	
52.223-4	Recovered Material Certification	no	n/a	
52.223-5	Certification Regarding A Drug-Free Workplace	no	n/a	12.503(a)(4)
52.223-6	Drug-Free Workplace	no	n/a	12.503(a)(4)
52.223-7	Notice of Radioactive Materials	YES	S	
52.223-8	Estimate of Percentage of Recovered Material for Designated Items to be Used in the Performance of the Contract	YES	S	12.301(e)(3)
52.223-9	Certification of Percentage of Recovered Material Content for EPA Designated Items Used in Performance of the Contract	YES	S	12.301(e)(3)
52.223-10	Waste Reduction Program.	no	n/a	
52.223-11	Ozone-Depleting Substances	YES	S	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.223-12	Refrigeration Equipment and Air Conditioners	no	n/a	
52.223-13	Certification of Toxic Chemical Release Reporting	no	n/a	
52.223-14	Toxic Chemical Release Reporting	no	n/a	
52.224-1	Privacy Act Notification	YES	S	
52.224-2	Privacy Act.	YES	S	
52.225-1	Buy American Certificate	no	n/a	52.212-3(f)
52.225-2	Waiver of Buy American Act for Civil Aircraft and Related Articles	no	n/a	
52.225-3	Buy American Act--Supplies	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE.
52.225-5	Buy American Act--Construction Materials	no	n/a	
52.225-6	Balance of Payments Program Certificate	no	n/a	52.212-3(f)
52.225-7	Balance of Payments Program	YES	A	
52.225-8	Buy American Act--Trade Agreements-- Balance of Payments Program Certificate	no	n/a	52.212-3(f)
52.225-9	Buy American Act--Trade Agreements-- Balance of Payments Program	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE See GSAR deviation 552.225-9).
52.225-10	Duty-Free Entry	YES	A	
52.225-11	Restrictions on Certain Foreign Purchases	YES	S	
52.225-14	Inconsistency Between English Version and Translation of Contract	YES	CO	
52.225-15	Buy American Act--Construction Materials under European Community and North American Free Trade Agreements	no	n/a	
52.225-16	Buy American Act -- Supplies under European Community Agreement Certificate	no	n/a	Covered by 52.212-5
52.225-17	Buy American Act --Supplies under European Community Agreement	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE.
52.225-18	European Community Sanction for End Products.	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE.
52.225-19	European Community Sanction for Services	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE.
52.225-20	Buy American Act--North American Free Trade Agreement Implementation Act--Balance of Payments Program Certificate	no	n/a	52.212-3
52.225-21	Buy American Act--North American Free Trade Agreement Implementation Act--Balance of Payments Program	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE.
52.226-1	Utilization of Indian Organizations and Indian-Owned Economic Enterprises	no	n/a	
52.227-1	Authorization and Consent	no	n/a	
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement	no	n/a	
52.227-3	Patent Indemnity	no	n/a	Covered by 52.212-4(h )
52.227-4	Patent Indemnity--Construction Contracts	no	n/a	
52.227-5	Waiver of Indemnity	no	n/a	
52.227-6	Royalty Information	no	n/a	
52.227-7	Patents--Notice of Government Licensee	no	n/a	
52.227-9	Refund of Royalties	no	n/a	
52.227-10	Filing of Patent Applications--Classified Subject Matter	no	n/a	
52.227-11	Patent Rights--Retention by the Contractor (Short Form)	no	n/a	
52.227-12	Patent Rights--Retention by the Contractor (Long Form).	no	n/a	



FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.227-13	Patent Rights--Acquisition by the Government	no	n/a	
52.227-14	Rights in Data--General	no	n/a	
52.227-15	Representation of Limited Rights Data and Restricted Computer Software	no	n/a	
52.227-16	Additional Data Requirements	no	n/a	
52.227-17	Rights in Data--Special Works	no	n/a	
52.227-18	Rights in Data--Existing Works	no	n/a	
52.227-19	Commercial Computer Software--Restricted Rights	no	n/a	
52.227-20	Rights in Data--SBIR Program	no	n/a	
52.227-21	Technical Data Certification, Revision, and Withholding of Payment--Major Systems	no	n/a	
52.227-22	Major System--Minimum Rights	no	n/a	
52.227-23	Rights to Proposal Data (Technical).	no	n/a	
52.228-1	Bid Guarantee	YES	CO	
52.228-2	Additional Bond Security	YES	CO	
52.228-3	Workers' Compensation Insurance (Defense Base Act).	no	n/a	
52.228-4	Workers' Compensation and War-Hazard Insurance Overseas	no	n/a	
52.228-5	Insurance--Work on a Government Installation	YES	C	
52.228-6	Insurance--Immunity From Tort Liability	no	n/a	
52.228-7	Insurance--Liability to Third Persons	no	n/a	
52.228-8	Liability and Insurance--Leased Motor Vehicles	YES	CO	
52.228-9	Cargo Insurance	YES	C	
52.228-10	Vehicular and General Public Liability Insurance	YES	CO	
52.228-11	Pledges of Assets	YES	CO	
52.228-12	Prospective Subcontractor Requests for Bonds		n/a	
52.229-1	State and Local Taxes	no	n/a	Covered by 52.212-4(k) & (l)
52.229-2	North Carolina State and Local Sales and Use Tax.	no	n/a	Covered by 52.212-4(k) & (l)
52.229-3	Federal, State, and Local Taxes	no	n/a	Covered by 52.212-4(k) & (l)
52.229-4	Federal, State, and Local Taxes (Noncompetitive Contract).	no	n/a	Covered by 52.212-4(k) & (l)
52.229-5	Taxes--Contracts Performed in U.S. Possessions or Puerto Rico	no	n/a	Covered by 52.212-4(k) & (l)
52.229-6	Taxes--Foreign Fixed-Price Contracts	no	n/a	Covered by 52.212-4(k)
52.229-7	Taxes--Fixed-Price Contracts with Foreign Governments	no	n/a	
52.229-8	Taxes--Foreign Cost-Reimbursement Contracts	no	n/a	See 16.201
52.229-9	Taxes--Cost-Reimbursement Contracts with Foreign Governments	no	n/a	See 16.201
52.229-10	State of New Mexico Gross Receipts and Compensating Tax	no	n/a	Covered by 52.212-4(g)
52.230-1	Cost Accounting Standards Notices and Certification	<b>no</b>		<b>Section 4205 of the Federal Acquisition Reform Act of 1995 specifically provides that CAS are not applicable to contracts and subcontracts for commercial items.</b>
52.230-2	Cost Accounting Standards	<b>no</b>		See above
52.230-3	Disclosure and Consistency of Cost Accounting Practices	<b>no</b>		See above
52.230-4	Consistency in Cost Accounting Practices	<b>no</b>		See above
52.230-5	Administration of Cost Accounting Standards	<b>no</b>		See above
52.232-1	Payments	no	n/a	Covered by 52.212-4(i)
52.232-2	Payments under Fixed-Price Research and Development Contracts	no	n/a	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.232-3	Payments under Personal Services Contracts	no	n/a	
52.232-4	Payments under Transportation Contracts and Transportation-Related Services Contracts	no	n/a	
52.232-5	Payments under Fixed-Price Construction Contracts	no	n/a	
52.232-6	Payment under Communication Service Contracts with Common Carriers	no	n/a	
52.232-7	Payments under Time-and-Materials and Labor-Hour Contracts	no	n/a	52.212-4(i)
52.232-8	Discounts for Prompt Payment	no	n/a	Covered by 52.212-4(i)
52.232-9	Limitation on Withholding of Payments	no	n/a	
52.232-10	Payments under Fixed-Price Architect-Engineer Contracts	no	n/a	
52.232-11	Extras	no	n/a	
52.232-12	Advance Payments	no	n/a	
52.232-13	Notice of Progress Payments..	no	n/a	
52.232-14	Notice of Availability of Progress Payments Exclusively for Small Business Concerns	no	n/a	
52.232-15	Progress Payments Not Included	no	n/a	
52.232-16	Progress Payments	no	n/a	
52.232-17	Interest	YES	A	
52.232-18	Availability of Funds	YES	S	
52.232-19	Availability of Funds for the Next Fiscal Year	no	n/a	
52.232-20	Limitation of Cost	no	n/a	
52.232-21	Limitation of Cost (Facilities)	no	n/a	
52.232-22	Limitation of Funds	no	n/a	
52.232-23	Assignment of Claims	no	n/a	52.212-4(b)
52.232-24	Prohibition of Assignment of Claims	no	n/a	
52.232-25	Prompt Payment	no	n/a	52.212-4(i)
52.232-26	Prompt Payment for Fixed-Price Architect-Engineer Contracts	no	n/a	
52.232-27	Prompt Payment for Construction Contracts	no	n/a	
52.232-28	Electronic Funds Transfer Payment Methods.	no	n/a	Covered by new 52.212-4(i)
52.232-29	Terms for Financing Purchases of Commercial Items	YES	A	
52.232-31	Installment Payments for Commercial Items	YES	C	
52.232-31	Invitation to Propose Financing Terms	YES	C	
52.232-32	Performance-Based Payments	YES	A	
52.233-1	Disputes	*	IBR	Covered by new 52.212-4(d)
52.233-2	Service of Protest.	YES	A	
52.233-3	Protest after Award	*	IBR	Covered by new 512.2-5.
52.234-1	Industrial Resources Developed Under Defense Production Act Title III	no	n/a	
52.236-1	Performance of Work by the Contractor	no	n/a	
52.236-2	Differing Site Conditions	no	n/a	
52.236-3	Site Investigation and Conditions Affecting the Work.	no	n/a	
52.236-4	Physical Data	no	n/a	
52.236-5	Material and Workmanship	no	n/a	
52.236-6	Superintendence by the Contractor	no	n/a	
52.236-7	Permits and Responsibilities	no	n/a	
52.236-8	Other Contracts	no	n/a	
52.236-9	Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements	no	n/a	
52.236-10	Operations and Storage Areas	no	n/a	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.236-11	Use and Possession Prior to Completion	no	n/a	
52.236-12	Cleaning Up	no	n/a	
52.236-13	Accident Prevention	no	n/a	
52.236-14	Availability and Use of Utility Services	no	n/a	
52.236-15	Schedules for Construction Contracts.	no	n/a	
52.236-16	Quantity Surveys	no	n/a	
52.236-17	Layout of Work	no	n/a	
52.236-18	Work Oversight in Cost-Reimbursement Construction Contracts	no	n/a	
52.236-19	Organization and Direction of the Work	no	n/a	
52.236-21	Specifications and Drawings for Construction	no	n/a	
52.236-22	Design Within Funding Limitations	no	n/a	
52.236-23	Responsibility of the Architect-Engineer Contractor	no	n/a	
52.236-24	Work Oversight in Architect-Engineer Contracts	no	n/a	
52.236-25	Requirements for Registration of Designers	no	n/a	
52.236-26	Preconstruction Conference	no	n/a	
52.236-27	Site Visit (Construction)	no	n/a	
52.237-1	Site Visit	YES	C	
52.237-2	Protection of Government Buildings, Equipment, and Vegetation	YES	C	
52.237-3	Continuity of Services	YES	CO	
52.237-4	Payment by Government to Contractor	no	n/a	
52.237-5	Payment by Contractor to Government	no	n/a	
52.237-6	Incremental Payment by Contractor to Government	no	n/a	
52.237-7	Indemnification and Medical Liability Insurance	no	n/a	
52.237-8	Restriction on Severance Payments to Foreign Nationals	no	n/a	
52.237-9	Waiver of Limitation on Severance Payments to Foreign Nationals	no	n/a	
52.241-1	Electric Service Territory Compliance Representation	no	n/a	
52.241-2	Order of Precedence--Utilities	no	n/a	
52.241-3	Scope and Duration of Contract	no	n/a	
52.241-4	Change in Class of Service	no	n/a	
52.241-5	Contractor's Facilities	no	n/a	
52.241-6	Service Provisions	no	n/a	
52.241-7	Change in Rates or Terms and Conditions of Service for Regulated Services	no	n/a	
52.241-8	Change in Rates or Terms and Conditions of Service for Unregulated Services	no	n/a	
52.241-9	Connection Charge.	no	n/a	
52.241-10	Termination Liability	no	n/a	
52.241-11	Multiple Service Locations	no	n/a	
52.241-12	Nonrefundable, Nonrecurring Service Charge	no	n/a	
52.241-13	Capital Credits	no	n/a	
52.242-1	Notice of Intent to Disallow Costs	no	n/a	
52.242-2	Production Progress Reports	no	n/a	
52.242-3	Penalties for Unallowable Costs.	no	n/a	
52.242-4	Certification of Indirect Costs	no	n/a	
52.242-10	F.o.b. Origin--Government Bills of Lading or Prepaid Postage	YES	CO	
52.242-11	F.o.b. Origin--Government Bills of Lading or Indicia Mail.	no	n/a	
52.242-12	Report of Shipment (RESHIP)	YES	A	
52.242-13	Bankruptcy	no	n/a	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.242-14	Suspension of Work	no	n/a	
52.242-15	Stop-Work Order	YES	A	
52.242-16	Stop-Work Order--Facilities	YES	A	
52.242-17	Government Delay of Work	no	n/a	
52.243-1	Changes--Fixed-Price	<b>no</b>		If it is industry practice to use a unilateral changes provision, you may tailor 52.212-4(c) to provide for them.
52.243-2	Changes--Cost-Reimbursement	no	n/a	16.201
52.243-3	Changes--Time-and-Materials or Labor-Hours	no	n/a	16.201
52.243-4	Changes	no	n/a	
52.243-5	Changes and Changed Conditions	no	n/a	
52.243-6	Change Order Accounting.	no	n/a	
52.243-7	Notification of Changes.	no	n/a	
52.244-1	Subcontracts (Fixed-Price Contracts).	no	n/a	
52.244-2	Subcontracts (Cost-Reimbursement and Letter Contracts).	no	n/a	16.201
52.244-3	Subcontracts (Time-and-Materials and Labor-Hour Contracts).	no	n/a	16.201
52.244-4	Subcontractors and Outside Associates and Consultants	no	n/a	
52.244-5	Competition in Subcontracting	no	n/a	
52.244-6	Subcontracts for Commercial Items and Commercial components		n/a	
52.245-1	Property Records	no	n/a	
52.245-2	Government Property (Fixed-Price Contracts).	YES	CO	
52.245-3	Identification of Government-Furnished Property.	no	n/a	
52.245-4	Government-Furnished Property (Short Form).	YES	CO	
52.245-5	Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts).	no	n/a	16.201
52.245-6	Liability for Government Property (Demolition Services Contracts).	no	n/a	
52.245-7	Government Property (Consolidated Facilities).	no	n/a	
52.245-8	Liability for the Facilities	no	n/a	
52.245-9	Use and Charges	no	n/a	
52.245-10	Government Property (Facilities Acquisition).	no	n/a	
52.245-11	Government Property (Facilities Use).	no	n/a	
52.245-12	Contract Purpose (Nonprofit Educational Institutions).	no	n/a	
52.245-13	Accountable Facilities (Nonprofit Educational Institutions).	no	n/a	
52.245-14	Use of Government Facilities	no	n/a	
52.245-15	Transfer of Title to the Facilities	no	n/a	
52.245-16	Facilities Equipment Modernization	no	n/a	
52.245-17	Special Tooling	no	n/a	
52.245-18	Special Test Equipment	no	n/a	
52.245-19	Government Property Furnished "As Is"	no	n/a	
52.246-1	Contractor Inspection Requirements	no	n/a	
52.246-2	Inspection of Supplies--Fixed-Price	no	n/a	Covered by 52.212-4(a)
52.246-3	Inspection of Supplies--Cost-Reimbursement	no	n/a	16.201
52.246-4	Inspection of Services--Fixed-Price	no	n/a	Covered by 52.212-4(a)
52.246-5	Inspection of Services--Cost-Reimbursement	no	n/a	16.201
52.246-6	Inspection--Time-and-Material and Labor-Hour	no	n/a	16.201
52.246-7	Inspection of Research and Development-- Fixed Price.	no	n/a	
52.246-8	Inspection of Research and Development-- Cost	no	n/a	16.201

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
	Reimbursement			
52.246-9	Inspection of Research and Development (Short Form).	no	n/a	
52.246-10	Inspection of Facilities	no	n/a	
52.246-11	Higher-Level Contract Quality Requirement (Government Specification).	YES	CO	
52.246-12	Inspection of Construction	no	n/a	
52.246-13	Inspection--Dismantling, Demolition, or Removal of Improvements	no	n/a	
52.246-14	Inspection of Transportation	no	n/a	
52.246-15	Certificate of Conformance	no	n/a	
52.246-16	Responsibility for Supplies	no	n/a	52.212-4(j)
<b>52.246-17</b>	<b>Warranty of Supplies of a Noncomplex Nature</b>	<b>no</b>	<b>n/a</b>	<b>52.212-4(o)</b>
<b>52.246-18</b>	<b>Warranty of Supplies of a Complex Nature</b>	<b>no</b>	<b>n/a</b>	<b>52.212-4(o)</b>
52.246-19	Warranty of Systems and Equipment under Performance Specifications or Design Criteria	no	n/a	
<b>52.246-20</b>	<b>Warranty of Services</b>	<b>no</b>	<b>n/a</b>	<b>52.212-4(o)</b>
52.246-21	Warranty of Construction	no	n/a	
52.246-23	Limitation of Liability	no	n/a	52.212-4(p)
52.246-24	Limitation of Liability--High-Value Items	no	n/a	
52.246-25	Limitation of Liability--Services	no	n/a	
52.247-1	Commercial Bill of Lading Notations	YES	C	
52.247-2	Permits, Authorities, or Franchises	no	n/a	
52.247-3	Capability to Perform a Contract for the Relocation of a Federal Office	no	n/a	
52.247-4	Inspection of Shipping and Receiving Facilities	no	n/a	
52.247-5	Familiarization with Conditions	no	n/a	
52.247	Financial Statement	no	n/a	
52.247-7	Freight Excluded	no	n/a	
52.247-8	Estimated Weights or Quantities Not Guaranteed.	no	n/a	
52.247-9	Agreed Weight--General Freight	no	n/a	
52.247-10	Net Weight--General Freight	no	n/a	
52.247-11	Net Weight--Household Goods or Office Furniture	no	n/a	
52.247-12	Supervision, Labor, or Materials	no	n/a	
52.247-13	Accessorial Services--Moving Contracts	no	n/a	
52.247-14	Contractor Responsibility for Receipt of Shipment	no	n/a	
52.247-15	Contractor Responsibility for Loading and Unloading	no	n/a	
52.247-16	Contractor Responsibility for Returning Freight	no	n/a	
52.247-17	Charges.	no	n/a	
52.247-18	Multiple Shipments	no	n/a	
52.247-19	Stopping in Transit for Partial Unloading	no	n/a	
52.247-20	Estimated Quantities or Weights for Evaluation of Offers	no	n/a	
52.247-21	Contractor Liability for Personal Injury and/or Property Damage	no	n/a	
52.247-22	Contractor Liability for Loss of and/or Damage to Freight other than Household Goods	no	n/a	
52.247-23	Contractor Liability for Loss of and/or Damage to Household Goods	no	n/a	
52.247-24	Advance Notification by the Government	no	n/a	
52.247-25	Government-Furnished Equipment with or without Operators	no	n/a	
52.247-26	Government Direction and Marking	no	n/a	
52.247-27	Contract not Affected by Oral Agreement	no	n/a	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.247-28	Contractor's Invoices	no	n/a	
52.247-29	F.o.b. Origin	YES	C	
52.247-30	F.o.b. Origin, Contractor's Facility.	YES	C	
52.247-31	F.o.b. Origin, Freight Allowed	YES	C	
52.247-32	F.o.b. Origin, Freight Prepaid	YES	C	
52.247-33	F.o.b. Origin, with Differentials	YES	C	
52.247-34	F.o.b. Destination	YES	C	
52.247-35	F.o.b. Destination, within Consignee's Premises	YES	C	
52.247-36	F.a.s. Vessel, Port of Shipment	YES	C	
52.247-37	F.o.b. Vessel, Port of Shipment	YES	C	
52.247-38	F.o.b. Inland Carrier, Point of Exportation	YES	C	
52.247-39	F.o.b. Inland Point, Country of Importation	YES	C	
52.247-40	Ex Dock, Pier, or Warehouse, Port of Importation	YES	C	
52.247-41	C. & f. Destination	YES	C	
52.247-42	C.i.f. Destination	YES	C	
52.247-43	F.o.b. Designated Air Carrier's Terminal, Point of Exportation	YES	C	
52.247-44	F.o.b. Designated Air Carrier's Terminal, Point of Importation	YES	C	
52.247-45	F.o.b. Origin and/or F.o.b. Destination Evaluation	YES	C	
52.247-46	Shipping Point(s) Used Evaluation of F.o.b. Origin Offers	YES	CO	
52.247-47	Evaluation--F.o.b. Origin	YES	CO	
52.247-48	F.o.b. Destination--Evidence of Shipment	YES	C	
52.247-49	Destination Unknown	YES	C	
52.247-50	No Evaluation of Transportation Costs.	YES	CO	
52.247-51	Evaluation of Export Offers	YES	CO	
52.247-52	Clearance and Documentation Requirements Shipments to DOD Air or Water Terminal Transshipment Points	YES	CO	
52.247-53	Freight Classification Description	YES	C	
52.247-54	Diversion of Shipment under F.o.b. Destination Contracts.	YES	CO	
52.247-55	F.o.b. Point for Delivery of Government-Furnished Property	YES	CO	
52.247-56	Transit Arrangements	no	n/a	
52.247-57	Transportation Transit Privilege Credits	YES	C	
52.247-58	Loading, Blocking, and Bracing of Freight Car Shipments	YES	C	
52.247-59	F.o.b. Origin--Carload and Truckload Shipments	YES	CO	
52.247-60	Guaranteed Shipping Characteristics	YES	CO	
52.247-61	F.o.b. Origin--Minimum Size of Shipments	YES	CO	
52.247-62	Specific Quantities Unknown	YES	C	
52.247-63	Preference for U.S.-Flag Air Carriers	no	n/a	See 12.503. Covered by new 52.212-4(r)
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels	*	IBR	Covered by new 52.212-5, MUST BE CHECKED TO BE EFFECTIVE.. Alt I may also be used.
52.247-65	F. o. b. Origin, Prepaid Freight--small package Shipments	YES	CO	
52.247-66	Returnable Cylinders	YES	C	
52.247-67	Submission of Commercial Transportation Bills to the General Services Administration for Audit	no	n/a	
52.248-1	Value Engineering	YES	A	OMB Circular A-131
52.248-2	Value Engineering--Architect- Engineer	no	n/a	

FAR cite	Title	Use in Commercial Items Acq?	Basis for yes	Additional Information
52.248-3	Value Engineering--Construction	no	n/a	
52.249-1	Termination for Convenience of the Government (Fixed-Price) (Short Form).	no	n/a	Covered by 52.212-4(l)
52.249-2	Termination for Convenience of the Government (Fixed-Price).	no	n/a	Covered by 52.212-4(l)
52.249-3	Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements)	no	n/a	
52.249-4	Termination for Convenience of the Government (Services) (Short Form	no	n/a	
52.249-5	Termination for Convenience of the Government (Educational and Other Nonprofit Institutions).	no	n/a	
52.249-6	Termination (Cost-Reimbursement)	no	n/a	
52.249-7	Termination (Fixed-Price Architect-Engineer).	no	n/a	
52.249-8	Default (Fixed-Price Supply and Service).	no	n/a	Covered by 52.212-4(m)
52.249-9	Default (Fixed-Price Research and Development).	no	n/a	
52.249-10	Default (Fixed-Price Construction).	no	n/a	
52.249-11	Termination of Work (Consolidated Facilities or Facilities Acquisition)	no	n/a	
52.249-12	Termination (Personal Services).	no	n/a	
52.249-13	Failure to Perform	no	n/a	
52.249-14	Excusable Delays	no	n/a	
52.250-1	Indemnification Under Public Law 85-804	no	n/a	
52.251-1	Government Supply Sources	no	n/a	
52.251-2	Interagency Fleet Management system (IFMS) Vehicles and Related Services	no	n/a	
52.252-1	Solicitation Provisions Incorporated by Reference	no	n/a	
52.252-2	Clauses Incorporated by Reference	no	n/a	
52.252-3	Alterations in Solicitation.	no	n/a	
52.252-4	Alterations in Contract.	no	n/a	
52.252-5	Authorized Deviations in Provisions	no	n/a	
52.252-6	Authorized Deviations in Clauses	no	n/a	
52.253-1	Computer Generated Forms	no	n/a	